

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

OHIO CITIZEN ACTION,

Case No. 3:05-cv-263

Plaintiff,

: District Judge Walter H. Rice
-vs- Magistrate Judge Michael J. Newman

CITY OF ENGLEWOOD,

Defendant.

ORDER REGARDING BIFURCATION OF MEDIATION

Having fully considered the briefs by both sides and all attachments thereto (docs. 128, 129 & 130), the Court has elected to bifurcate the issues to be mediated here – first, the issue of attorney's fees; second, the question of damages.

The above-captioned action shall be set for mediation over a two day period. Counsel for both parties will be contacted by Courtroom Deputy Gayle Hays to determine dates that are mutually agreeable. Upon receipt of responses from the parties, an Order for Court Conducted Mediation will issue.

s/ **Michael J. Newman**
United States Magistrate Judge